

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND M. BINNEY,

Defendant.

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CASE NO. 1:12-cr-272

ORDER
[Resolving Doc. 82]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 28, 2020, Defendant Raymond Binney, a 50-year-old FCI Milan inmate serving a 15-year 2012 child pornography sentence, moved this Court for 18 U.S.C. § 3582(c) compassionate release, citing health problems and the high COVID-19 exposure risk at FCI Milan.¹ On October 22, 2020 the Court denied Binney's motion.²

On October 23, 2020, Binney appealed.³ On November 23, 2020, while his appeal was pending, Binney asked this Court to reconsider the same order that he had already appealed.⁴ This Court accordingly denied Binney's reconsideration motion.⁵

On January 19, 2021, Binney filed another motion for compassionate release in this Court and dismissed his appeal.⁶ For the reasons stated below, the Court again **DENIES** Binney's compassionate release motion.

¹ Doc. 66.

² Doc. 77.

³ Doc. 78.

⁴ Doc. 79.

⁵ Doc. 81.

⁶ Doc. 82; Doc. 83.

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In his new motion, Binney raises arguments like those in his previously denied compassionate release motion. Binney claims that the Court's previous order incorrectly stated that Binney's sentence balance was 7 years.⁷ Binney now presents documents not previously part of the record showing that Binney has a March 12, 2025 projected release date, 5 years from this order's date.⁸

While the Court acknowledges Binney's less remote projected release date, the Court believes that the 18 U.S.C. § 3553(a) factors continue to weigh against Binney's release for the reasons stated in its October 22, 2020 order denying Binney's initial release motion.

While Binney argues that COVID-19 is more prevalent at FCI Milan than it was at the time of his initial motion,⁹ a COVID-19 vaccine has now been developed.¹⁰ The Bureau of Prisons has begun administering vaccines under Centers for Disease Control guidance.¹¹ As of January 15, 2021, more than 17,000 vaccine doses have been administered to federal staff and inmates.¹² As vaccine distribution increases over time, Binney should get the vaccine.¹³

For these reasons, the Court **DENIES** Binney's compassionate release motion.

IT IS SO ORDERED.

Dated: January 26, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ Doc. 82 at 5.

⁸ Doc. 82-2.

⁹ Doc. 82 at 2-3.

¹⁰ Federal Bureau of Prisons, *COVID-19 Vaccination Efforts Commended*, https://www.bop.gov/resources/news/20210116_covid_vaccine_efforts_commended.jsp (Jan. 16, 2021).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*